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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

COLIN GEORGE,

Plaintiff,

vs.

U.S. DEPARTMENT OF THE INTERIOR,
an agency of the United States of America,

Defendant.

Case No. 2:25-cv-00055-RLP

**DEENDANT’S ANSWER AND
AFFIRMATIVE DEFENSES**

Defendant United States Department of the Interior (“DOI”), by and through its undersigned counsel, hereby files this Answer to the Complaint of Plaintiff Colin George (Dkt. 1), and in support thereof, respectfully admits, denies, or otherwise avers as follows in response to the specific allegations in the Complaint:

The answers contained in the numbered paragraphs are intended as answers to the corresponding numbered paragraphs in Plaintiff’s complaint, and any allegations that are not specifically provided in the answers below are hereby denied.

I. NATURE OF THE CASE

1.1 Paragraph 1.1 contains a description of Plaintiff's activities, to which no response is required. Insofar as an answer may be required, the National Park Service ("NPS") admits it produced twelve pages in response to Plaintiff's request for information under the Freedom of Information Act ("FOIA"). The NPS admits it has not responded to Plaintiff's appeal.

1.2 Paragraph 1.2 contains Plaintiff's characterization of its claims and descriptions of Plaintiff's FOIA request and FOIA appeal, to which no response is required. Insofar as an answer may be required, DOI admits that Plaintiff brings this action pursuant to the Freedom of Information Act ("FOIA"). Defendant respectfully refers the Court to Plaintiff's FOIA request and FOIA appeal for a statement of their contents. Defendant denies the APA applies to this case.

1.3 Paragraph 1.3 contains Plaintiff's characterization of the FOIA and conclusions of law, to which no response is required.

1.4 Paragraph 1.4 contains Plaintiff's characterization of the FOIA and conclusions of law, to which no response is required.

1.5 Paragraph 1.5 contains Plaintiff's characterization of the claims in this lawsuit, to which no response is required. To the extent that a response is deemed necessary, the NPS admits it has not responded to Plaintiff's appeal, but otherwise denies the allegations in this paragraph.

1 1.6 Paragraph 1.6 contains Plaintiff's characterization of the claims in this
2 lawsuit and conclusions of law, to which no response is required.

3 **II. PARTIES**

4 2.1 DOI is without knowledge or information sufficient to form a belief as to
5 the truth or falsity of the allegations contained in Paragraph 2.1. To the extent that a
6 response is deemed necessary, deny.

7 2.2 DOI admits that it is an agency within the meaning of 5 U.S.C. §
8 552(f)(1). The remaining allegation is a conclusion of law, to which no response is
9 required.

10 **III. JURISDICTION AND VENUE**

11 3.1 Paragraph 3.1 contains conclusions of law, to which no response is
12 required. To the extent that a response is deemed necessary, DOI admits only that this
13 Court has jurisdiction subject to the limitations of FOIA. DOI further avers that the
14 statutes cited speak for themselves.

15 3.2 Paragraph 3.2 contains conclusions of law, to which no response is
16 required. To the extent that a response is deemed necessary, DOI admits only that
17 venue is proper in the judicial district. DOI further avers that the statutes cited speaks
18 for themselves.

19 **IV. FACTS**

20 4.1 DOI admits receiving Plaintiff's FOIA request on December 18, 2023.
21 The remainder of the paragraph consists of Plaintiff's characterization of that FOIA

1 request, to which no response is required. The request speaks for itself and is the best
2 evidence of its contents. Defendant respectfully refers the Court to the request for a
3 statement of its contents.

4 4.2 DOI admits sending Plaintiff a letter, including all non-exempt records
5 responsive to Plaintiff's FOIA request, via electronic mail on February 6, 2024. The
6 remainder of the paragraph consists of Plaintiff's characterization of the contents of
7 the letter and records, to which no response is required. The letter and records speak
8 for themselves and are the best evidence of their contents. Defendant respectfully
9 refers the Court to the letter and record for a statement of their contents.

10 4.3 DOI admits receiving Plaintiff's FOIA appeal on February 21, 2024. The
11 remainder of the paragraph consists of Plaintiff's characterization of that FOIA
12 appeal, to which no response is required. The request speaks for itself and is the best
13 evidence of its contents. Defendant respectfully refers the Court to the request for a
14 statement of its contents.

15 4.3.1. Paragraph 4.3.1. contains Plaintiff's characterization of its FOIA appeal,
16 to which no response is required. The appeal speaks for itself and is the best evidence
17 of its contents. Defendant respectfully refers the Court to the appeal for a statement of
18 its contents.

19 4.3.2. Paragraph 4.3.2. contains Plaintiff's characterization of its FOIA appeal,
20 to which no response is required. The appeal speaks for itself and is the best evidence
21

1 of its contents. Defendant respectfully refers the Court to the appeal for a statement of
2 its contents.

3 4.3.3. Paragraph 4.3.3. contains Plaintiff's characterization of its FOIA appeal,
4 to which no response is required. The appeal speaks for itself and is the best evidence
5 of its contents. Defendant respectfully refers the Court to the appeal for a statement of
6 its contents.

7 4.3.4. Paragraph 4.3.4. contains Plaintiff's characterization of its FOIA appeal,
8 to which no response is required. The appeal speaks for itself and is the best evidence
9 of its contents. Defendant respectfully refers the Court to the appeal for a statement of
10 its contents.

11 4.3.5. Paragraph 4.3.5. contains Plaintiff's characterization of its FOIA appeal,
12 to which no response is required. The appeal speaks for itself and is the best evidence
13 of its contents. Defendant respectfully refers the Court to the appeal for a statement of
14 its contents.

15 4.4 Admit.

16 4.5 DOI is without knowledge or information sufficient to form a belief as to
17 the truth or falsity of the allegations contained in Paragraph 4.5, and therefore denies
18 the same. The remainder of Paragraph 4.5 contains Plaintiff's characterization of its
19 FOIA request, to which no response is required. The request speaks for itself and is
20 the best evidence of its contents. Defendant respectfully refers the Court to the request
21 for a statement of its contents.

1 4.5.1 Paragraph 4.5.1 contains Plaintiff's characterization of a referenced "Lake
2 Chelan Settlement," to which no response is required. The "Lake Chelan Settlement,"
3 speaks for itself and is the best evidence of its contents. The remainder of paragraph
4 4.5.1 contains legal conclusions, to which no response is required. To the extent a
5 response is required, DOI denies the same.

6 4.5.2 DOI is without knowledge or information sufficient to form a belief as to
7 the truth or falsity of the allegations contained in Paragraph 4.5.2. To the extent that a
8 response is deemed necessary, DOI denies the same. Paragraph 4.5.2 also contains
9 Plaintiff's conclusions of law, to which no response is required.

10 4.5.3 Paragraph 4.5.3 contains Plaintiff's characterization of a referenced "Lake
11 Chelan Settlement," to which no response is required. The "Lake Chelan Settlement,"
12 speaks for itself and is the best evidence of its contents. The remainder of paragraph
13 4.5.3 contains legal conclusions, to which no response is required. To the extent a
14 response is required, DOI denies the same.

15 4.6 Admit.

16 4.7 Deny. DOI avers that it disclosed records responsive to Plaintiff's FOIA
17 Request on February 6, 2024.

18 4.8 Paragraph 4.8 contains conclusions of law, to which no response is
19 required. To the extent that a response is deemed necessary, deny.

20 4.9 Paragraph 4.9 contains conclusions of law, to which no response is
21 required. To the extent that a response is deemed necessary, DOI deny.

1 4.10 Paragraph 4.10 contains conclusions of law, to which no response is
2 required. To the extent that a response is deemed necessary, deny.

3 4.11 Admit.

4 4.12 DOI is without knowledge or information sufficient to form a belief as to
5 the truth or falsity of the allegations contained in Paragraph 4.12.

6 4.13 Deny.

7 4.14 Paragraph 4.14 contains conclusions of law, to which no response is
8 required. To the extent that a response is deemed necessary, deny.

9 4.15 Deny.

10 **V. CAUSES OF ACTION**

11 Claim 1

12 **VIOLATION OF FOIA: THE DECISION DEALINES**

13 5.1 DOI incorporates by reference its responses contained in the preceding
14 paragraphs.

15 5.2 Paragraph 5.2 refers to statutory authority, to which no response is
16 required. The statute cited speaks for itself.

17 5.3 Paragraph 5.3 contains conclusions of law, to which no response is
18 required. To the extent that a response is deemed necessary, deny.

19 5.4 Paragraph 5.4 contains conclusions of law, to which no response is
20 required. To the extent that a response is deemed necessary, deny.

Claim 2

VIOLATION OF FOIA: UNLAWFUL CONSTRUCTIVE

DENIAL/WITHHOLDING

5.5 DOI incorporates by reference its responses contained in the preceding paragraphs.

5.6 Paragraph 5.6 refers to statutory authority and contains conclusions of law, to which no response is required. The statute cited speaks for itself. To the extent that a response is deemed necessary, deny.

5.7 Paragraph 5.7 contains conclusions of law, to which no response is required. To the extent that a response is deemed necessary, deny.

5.8 Paragraph 5.8 contains conclusions of law, to which no response is required. To the extent that a response is deemed necessary, deny.

Claim 3

VIOLATIONS OF FOIA: FAILURE TO PROVIDE ESTIMATED

COMPLETION DATE

5.9 DOI incorporates by reference its responses contained in the preceding paragraphs.

5.10 Paragraph 5.10 contains conclusions of law, to which no response is required. To the extent that a response is deemed necessary, admit.

1 deemed to contain factual allegations to which a response may be required, they are
2 denied. Defendant denies all allegations not specifically admitted herein.

3 **GENERAL DENIAL**

4 Pursuant to Rule 8(b)(3), Defendant denies all allegations in the Complaint
5 which it has not otherwise specifically admitted or denied herein.

6 **AFFIRMATIVE DEFENSES**

- 7 1. Plaintiff fails to state a claim for which relief can be granted.
8 2. Plaintiff is not entitled to a Jury Trial in FOIA litigation.
9 3. The Court lacks subject matter jurisdiction over one or more of Plaintiff's
10 claims.
11 4. Plaintiff is not entitled to attorney fees and/or costs.

12 RESPECTFULLY SUBMITTED: April 21, 2025.

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14 Acting United States Attorney

15 s/ Derek T. Taylor
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16 Timothy M. Durkin
Assistant United States Attorneys
Attorneys for United States
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Certificate of Service

I hereby certify that on April 21, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Jesse Wing	JesseW@mhb.com
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And to the following non CM/ECF participants: N/A

s/ Derek T. Taylor
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